

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**ANTHONY OSARINMWIAN IMADE,** )  
 )  
 **Petitioner,** )  
 )  
 **v.** ) **Case No.: 2:14-cv-0811-VEH-SGC**  
 )  
 **ERIC HOLDER, et al.,** )  
 )  
 **Respondents.** )

## MEMORANDUM OPINION AND ORDER


The magistrate judge entered a report and recommendation on May 14, 2014, recommending the relief sought by petitioner, Anthony Osarinmwian Imade (“Imade”) be denied. (Doc. 3). Specifically, to the extent Imade’s initial filing constitutes a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, the magistrate judge recommended it be dismissed without prejudice to filing in the proper venue. (Doc. 3 at 2). To the extent Imade’s initial filing constitutes a motion to reopen a previous habeas petition, the magistrate judge recommended it be denied as moot. (*Id.*). The report and recommendation mailed to Imade has been returned as undeliverable. (Doc. 4). Furthermore, a search of the website for Immigration and Customs Enforcement reveals that Imade is no longer in ICE custody. Because Imade is no longer in custody, to the extent that his filing constitutes a motion to reopen a previous habeas petition, his release has rendered his habeas corpus petition moot on that alternative basis as well. *See Nyaga v Ashcroft*, 323 F.3d 906, 913 (11th Cir. 2003) (A case is moot and must be dismissed if the court can no longer provide “meaningful relief.”); *Soliman v United States ex rel. INS*, 296 F.3d 1237, 1242 (11th Cir. 2002) (similar).

Having carefully reviewed and considered *de novo* all the materials in the court file, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby **ADOPTED** and

her recommendation is **ACCEPTED** as amplified hereby. Accordingly, to the extent Imade's initial filing is construed as a petition for writ of habeas corpus, it is due to be **DISMISSED WITHOUT PREJUDICE** to filing in the proper venue. To the extent Imade's initial filing is construed as a motion to reopen a previous habeas petition, it is hereby **DENIED** as **MOOT**.

A final judgment will be entered.

**DONE** this 3rd day of June, 2014.

  
**VIRGINIA EMERSON HOPKINS**  
United States District Judge